

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et. al.,

Defendants

Civil Action: 04-30126-MAP

U.S. DISTRICT COURT
DISTRICT OF MASS.
2006 OCT 24 P 2:50
F.H.E. OFFICE
IN CLERK'S OFFICE

**PLAINTIFF DONALD C. HUTCHINS' MOTION FOR JUDICIAL NOTICE OF
APPEAL CASE NO: 88877 COURT OF APPEALS OF OHIO**

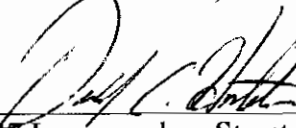
Donald C. Hutchins ("Hutchins") requests that this Court take judicial notice of the Court of Appeals of Ohio Case No: 88877 Compliant Corporation vs. Donald C. Hutchins per the Notice attached as Exhibit A. Appellant Hutchins' brief is due 11/8/2006.

"It is well-accepted that federal courts may take judicial notice of proceeding in other courts if these proceedings have relevance to the matters at hand." Kowalski v. Gagne 914 F.2d 299, 305 (1st Cir. 1990). It is also well accepted that judicial proceedings in other courts can not be used in terms of *res judicata* while such proceedings are in appeal. Therefore Compliant can not rely on Ohio Compliant Corporation vs. Donald C. Hutchins in this action before this Court.

Respectfully submitted

The Plaintiff

Donald C. Hutchins, Pro Se



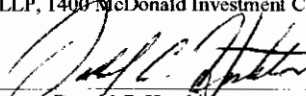
Dated: October 24, 2006

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Longmeadow, Massachusetts 01106
(413) 567-0606

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035, Jeffrey J. Lauderdale Esq., Calfee, Halter & Griswold LLP, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114.

Dated: 10/24/06


Donald C. Hutchins